

REMARKS

In the Final Office Action¹, the Examiner rejected claims 24, 25, 31-33, 39, 40, 43, 47, and 49-52 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,400,392 to Yamaguchi et al. ("Yamaguchi"), in view of U.S. Patent 5,524,198 to Matsumoto et al. ("Matsumoto"), further in view of U.S. Patent 6,532,593 to Moroney ("Moroney")²; rejected claims 26, 27, 30, 34-36, and 46 as being unpatentable over Yamaguchi, Matsumoto, and Moroney, further in view of U.S. Patent 6,111,517 to Atick et al. ("Atick"); and rejected claims 23 and 41 as being unpatentable over Yamaguchi, Matsumoto, and Moroney, further in view of U.S. Patent 6,799,208 to Sankaranarayan et al. ("Sankaranarayan").

By this amendment, Applicant amends claim 43, cancels claims 35, 36, and 49-52 without prejudice or disclaimer, and adds new claim 53. Claims 23-27, 30-34, 39-41, 43, 46, 47, and 53 are currently pending.

Applicant respectfully traverses the rejection of claims 24, 25, 31-33, 39, 40, 43, 47, and 49-52 under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi in view of Matsumoto. Claims 49-52 have been canceled, rendering their rejection moot.

Independent claim 43, for example, recites a method comprising:

refreshing [an] image periodically according to a refresh frequency rate and maintaining a counter of a number of refreshes that have occurred;

¹ The Final Office Action may contain statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

² Applicant notes that the Final Office Action provides a rejection for claims 28 and 37, however, claim 28 was canceled in Applicant's response filed March 15, 2006, and claim 37 was canceled in Applicant's response filed October 7, 2009. Accordingly, the rejection of claims 28 and 37 is moot.

periodically sending the degraded image . . . when the refresh frequency indicates a time for an image refresh, and updating the counter to reflect the occurrence of an image refresh; [and]

re-evaluating the refresh frequency when the counter reaches a preset threshold value, wherein the re-evaluation of the refresh frequency causes the rate to increase, decrease, or completely stop refreshing of the image

(emphases added). Yamaguchi, Matsumoto, and Moroney, taken alone or in combination, fail to teach or suggest at least these claimed steps.

Yamaguchi discloses a “video information adjusting apparatus that automatically adjusts the resolution and brightness of video information, for example, according to a user’s condition” Yamaguchi, col. 2, ll. 4-5. “[A] window information managing part 1416 examines information about the usage of the windows user its management. When the user has performed a prescribed operation on a full-motion window, the window information managing part 1416 determines that the user’s attention is directed to that full motion window . . . for full-motion windows where no user operations have been performed for a predetermined time, the resolution or brightness of such windows is reduced to prevent wastage of computer resources.” Yamaguchi, col. 16, ll. 21-32. “This makes it possible to determine the full-motion windows to which the user’s attention is directed, so that the resolution or brightness of the attention window can be increased while reducing the resolution or brightness of other windows. Furthermore, since image resolution or brightness can be controlled automatically, wastage of computer researches can be prevented automatically.” Yamaguchi, col. 15, ll. 10-16.

While Yamaguchi may disclose reducing the resolution or brightness of windows, there is no discussion in Yamaguchi of a refresh frequency rate of an image, or of re-

evaluating the refresh frequency rate when a counter of refreshes reaches a preset threshold value. Accordingly, Yamaguchi does not teach or suggest “refreshing [an] image periodically according to a refresh frequency rate and maintaining a counter of a number of refreshes that have occurred; periodically sending the degraded image . . . when the refresh frequency indicates a time for an image refresh, and updating the counter to reflect the occurrence of an image refresh; [and] re-evaluating the refresh frequency when the counter reaches a preset threshold value, wherein the re-evaluation of the refresh frequency causes the rate to increase, decrease, or completely stop refreshing of the image,” as recited in amended independent claim 43 (emphases added).

Furthermore, combinations of Matsumoto and Moroney fail to cure the deficiencies of Yamaguchi. Yamaguchi, Matsumoto, and Moroney, taken alone or in combination, fail to teach or suggest “refreshing [an] image periodically according to a refresh frequency rate and maintaining a counter of a number of refreshes that have occurred; periodically sending the degraded image . . . when the refresh frequency indicates a time for an image refresh, and updating the counter to reflect the occurrence of an image refresh; [and] re-evaluating the refresh frequency when the counter reaches a preset threshold value, wherein the re-evaluation of the refresh frequency causes the rate to increase, decrease, or completely stop refreshing of the image,” as recited in amended independent claim 43 (emphases added).

Combinations of Yamaguchi, Matsumoto, and Moroney thus fail to establish a *prima facie* case of obviousness with respect to independent claim 43, at least because

the references fail to teach each and every element of the claim. Claim 43 is therefore allowable for at least the reasons presented above.

Newly added independent claim 53, while of different scope than claim 43, is also allowable for at least similar reasons as claim 43. Dependent claims 24, 25, 31-33, 39, 40, and 47 are also allowable at least due to their dependence on allowable independent claim 43.

Applicant respectfully traverses the rejection of claims 26, 27, 30, 34-36, and 46 under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi, Matsumoto, Moroney and Atick. Claims 35 and 36 have been canceled, rendering their rejection moot.

Furthermore, claims 26, 27, 30, 34, and 46 depend on independent claim 43. As noted above, combinations of Yamaguchi, Matsumoto, and Moroney do not teach or suggest each and every element of independent claim 43. Atick fails to cure the deficiencies of Yamaguchi, Matsumoto, and Moroney. Atick does not teach or suggest “refreshing [an] image periodically according to a refresh frequency rate and maintaining a counter of a number of refreshes that have occurred; periodically sending the degraded image . . . when the refresh frequency indicates a time for an image refresh, and updating the counter to reflect the occurrence of an image refresh; [and] re-evaluating the refresh frequency when the counter reaches a preset threshold value, wherein the re-evaluation of the refresh frequency causes the rate to increase, decrease, or completely stop refreshing of the image,” as recited in amended independent claim 43 (emphases added). Accordingly, combinations of Yamaguchi, Matsumoto, Moroney, and Atick fail to teach each and every element of claims 26, 27,

30, 34, and 46. For at least this reason, claims 26, 27, 30, 34, and 46 distinguish over Yamaguchi, Matsumoto, Moroney, and Atick.

Applicant respectfully traverses the rejection of claims 23 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi, Matsumoto, Moroney and Sankaranarayan.

Claims 23 and 41 depend on independent claim 43. As noted above, Yamaguchi, Matsumoto, and Moroney do not teach or suggest each and every element of independent claim 43. Sankaranarayan fails to cure the deficiencies of Yamaguchi, Matsumoto, and Moroney. Sankaranarayan does not teach or suggest “refreshing [an] image periodically according to a refresh frequency rate and maintaining a counter of a number of refreshes that have occurred; periodically sending the degraded image . . . when the refresh frequency indicates a time for an image refresh, and updating the counter to reflect the occurrence of an image refresh; [and] re-evaluating the refresh frequency when the counter reaches a preset threshold value, wherein the re-evaluation of the refresh frequency causes the rate to increase, decrease, or completely stop refreshing of the image,” as recited in amended independent claim 43 (emphases added). Accordingly, combinations of Yamaguchi, Matsumoto, Moroney, and Sankaranarayan fail to teach each and every element of claims 23 and 41. For at least this reason, claims 23 and 41 distinguish over Yamaguchi, Matsumoto, Moroney, and Sankaranarayan.

In view of the foregoing remarks, Applicant respectfully requests the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

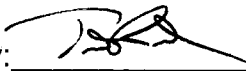
If the Examiner believes a telephone conference would be useful in resolving any outstanding issues, the Examiner is invited to call the undersigned at (202) 408-4268.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: May 19, 2010

By: 

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